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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,441	08/17/2001	Richard A. Vaughan	EXIN117646	3493

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/932,441

Applicant(s)

VAUGHAN ET AL.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

This is in response to an amendment file on June 24<sup>th</sup>, 2004. In the amendment, claims 1 and 26 have been amended, no claim has been canceled, and no claim has been added. Claims 1-89 remain pending in the letter.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-89 rejected under 35 U.S.C. 102(e) as being anticipated by Dombroski et al (U.S. PG Pub. 2003/0023463).

3. As per claim 1, Dombroski et al teach a method for processing an available inventory item query corresponding to inventory defined by stock-keeping unit (SKU) information, the SKU information including at least one SKU record defining a first level of detail for the inventory item, and a SKU inventory record corresponding to the SKU record and defining a second level of detail for the inventory items, the method comprising: obtaining an available inventory query, the query including a set of criteria; determining at least one inventory item matching the query criteria, the inventory item corresponding to at least one SKU and SKU

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inventory record; and transmitting data associated with the matching SKU and SKU inventory records (*see abstract, figs 3, 5, paragraphs 00140019, 0068, 0092, 0093 and appendix A*) .

4. As per claim 2, Dombroski et al teach a method wherein determining at least one inventory item includes identifying all inventory items matching the query criteria, wherein each identified inventory item corresponds to a SKU and SKU inventory record (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

5. As per claim 3, Dombroski et al teach a method wherein determining at least one inventory item includes applying a supplier limitation of use to select a corresponding SKU and SKU inventory record (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

6. As per claim 4, Dombroski et al teach a method wherein determining at least one inventory item includes applying a consumer selection limitation of use to select a corresponding SKU and SKU inventory record (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

7. As per claim 5 and 13, Dombroski et al teach a method further comprising processing the data associated with the identified SKU and SKU inventory records prior to transmitting the data (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

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8. As per claim 6-12, Dombroski et al teach a method wherein processing the data includes generating a price corresponding to the set of query criteria, ordered list of prices for one or more inventory items, applying any date based price adjustments based is a tax rate, is a service charge is an extra person charge, is a point of sale variance computed by a date of use (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

9. As per claim 14, Dombroski et al teach a method wherein the inventory includes travel-based goods and services and wherein the available inventory query includes an available travel-based goods and services query (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

10. As per claim 15-21, Dombroski et al teach a method wherein the query criteria include a date or date range selected by a graphical user interface, a selection of a destination, a hotel or hotel room-type, an airline or airline flight, a cruise or cabin type, a car rental vendor or car type (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

11. As per claim 22, Dombroski et al teach a method wherein the available inventory query is a user-specified, available inventory query (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

12. As per claim 23, Dombroski et al teach a method wherein the SKU information includes a SKU group record defining a third level of detail, and wherein the SKU and SKU inventory

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records correspond to the SKU group record (*see abstract, figs 3, 5, paragraphs 0014, 0019, 0068, 0092, 0093 and appendix A*).

13. As per claim 24, Dombroski et al teach a computer-readable medium having computer-executable instructions operable for performing the method recited in any one of claims 1-23 (*see abstract, figs 3, 5, paragraphs 0039*).

14. As per claim 25, Dombroski et al teach a computer system having a processor, a memory, and an operating environment, the computer system operable for performing the method recited in any one of claims 1-23 (*see abstract, figs 3, 5, paragraphs 0039*).

15. As per claims 26-89, they disclose the same inventive concept as claims 1-23. Therefore, they are rejected under the same rational.

### ***Response to Arguments***

16. Applicant's arguments filed June 24<sup>th</sup>, 2004 have been fully considered but they are not persuasive.

17. The Affidavit filed on June 24<sup>th</sup>, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Dombroski et al reference.

18. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Dombroski et al reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). Therefore the rejection based on Dombroski et al is sustained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

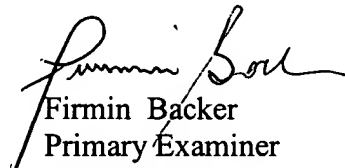
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Firmin Backer  
Primary Examiner  
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September 26, 2004